IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1980 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/09/2001 in WP NO : 16187 OF 2000 on the file of the High Court.)

Between:

1 The District Collector,
Nellore District, Nellore.

2 Revenue Divisional Officer,
Kavali, Nellore District.

3 Mandal Revenue Officer,
Kodavalur (M), Nellore District.

..... APPELLANTS

AND

1 T. Adisesha Reddy, S/o.Ramana Reddy,
R/o.7-9-7, Desarivari Street, Kovvur, Nellore District.

2 Smt. T.Padmavathi, W/o. Adisesha Reddy,
R/o.7-9-7, Desarivari Street, Kovvur, Nellore District.

3 Kolanakuduru Venkata Seshaiah, S/o.Ramaiah,
R/o.7-9-7, Desarivari Street, Kovvur, Nellore District.

4 Kalicheti Srinivasulu, S/o.Raghu Ramaiah,
R/o.7-9-7, Desarivari Street, Kovvur, Nellore District .

.....RESPONDENTS

For the Appellants: GP FOR LAND ACQUISITION.
For the Respondents: SMT. A.ANASUYA, Advocate.

The Court made the following Judgment: (per Sri B. Sudershan Reddy, J)

The respondents in this writ appeal filed W.P No. 16187 of 2000 with a prayer to issue a writ of Mandamus declaring the inaction of the appellants herein in not paying the compensation as bad in law. The respondents – writ petitioners have also prayed for issuance of consequential directions to the appellants herein to pay compensation in accordance with G.O Ms. No. 586 Revenue (Assignment II) Department dated 9.7.1997 or to provide alternative lands in the same village or in the same revenue division.

There is no dispute whatsoever that the respondents herein are D-Form patta holders over an extent of Acs.3.00 each and the pattas were granted in their favour as early as in the year 1990. It is asserted that the lands were under their personal cultivation. The appellants herein without any notice and opportunity resumed the land on the ground that it was required for a public purpose of providing the same to IFFCO. The lands were resumed without paying any compensation whatsoever. It is under those circumstances, the respondents – writ petitioners filed the writ petition seeking appropriate directions as against the appellants herein for payment of compensation.

It was contended by the appellants herein before the learned single Judge that even though D-Form pattas were granted in favour of the respondents – writ petitioners in the year 1990, the lands were resumed on the ground that they have failed to cultivate the land within the stipulated period and therefore, they are not entitled to

payment of any compensation or ex-gratia.

The learned single Judge having found that the lands were resumed by the appellants herein without canceling the D-Form pattas held that the respondents – writ petitioners were entitled to payment of ex-gratia in terms of G.O Ms. No. 1307 Revenue, Assignment I Department dated 23.12.1993 and accordingly, directed payment of ex-gratia to the respondents – writ petitioners. Hence this writ appeal.

Concededly, the questions that fall for consideration in this writ appeal are squarely covered by the decision rendered by this Court in **LAO-cum-RDO, Chevella Division, Domalguda, Hyd v. M. Pandu** wherein this Court held thus:

> "…the assignees of the Government lands are entitled to payment of compensation equivalent to the full market value of the land and other benefits on par with full owners of the land even in cases where the assigned lands are taken possession of by the State in accordance with the terms of grant or patta, though such resumption is for a public purpose. We further hold that even in cases where the State does not invoke the covenant of the grant or patta to resume the land for such public purpose and resorts to acquisition of the land under the provisions of the Land Acquisition Act, 1894, the assignees shall be entitled to compensation as owners of the land and for all other consequential benefits under the provisions of the Land Acquisition Act, 1894. No condition incorporated in patta/deed of assignment shall operate as a clog putting any restriction on the right of the assignee to claim full compensation as owner of the land."

In the instant case, the fact remains that D-Form pattas granted in favour of the respondents – writ petitioners were subsisting as on the date when the appellants resumed the possession of the land. They were the patta holders. It would have been a different matter altogether had their D-Form pattas have been cancelled on the ground that they failed to bring the lands under personal cultivation in terms of the grant. But such is not the case on hand. The appellants have resumed the lands from the respondents – writ petitioners even while the D-Form pattas granted in their favour were subsisting. In the circumstances, the respondents – writ petitioners are entitled to the grant of same relief as has been granted in the decision referred to

hereinabove.

The Writ Appeal filed by the State fails and shall accordingly stand dismissed. Consequently, the appellants are directed to pay compensation to the respondents – writ petitioners equivalent to the full market value of the land and other benefits. There shall be no order as to costs.

(B. Sudershan Reddy, J)

29..10..2004

(K.C. Bhanu, J)

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DEPUTY REGISTRAR

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SECTION OFFICER

To

1 The District Collector,
Nellore District, Nellore.

2 Revenue Divisional Officer,
Kavali, Nellore District.

3 Mandal Revenue Officer,
Kodavalur (M), Nellore District.

4 Two CCS to the Government Pleader for Land Acquisition,

High Court of Andhra Pradesh, Hyderabad (OUT).

5 Two CD copies.